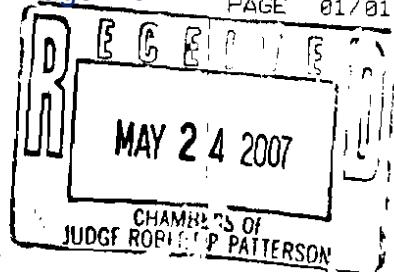


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DATE FILED: 5/25/07

STRASSBERG &amp; STRASSBERG, P.C.

ATTORNEYS AT LAW

BY TELCOPIER (212) 805-7917

May 24, 2007

Honorable Robert P. Patterson, Jr.  
United States Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

~~MEMO TO COUNSEL~~

Re: ES&G Trading, Inc. v. Sun Capital, Inc.  
United States District Court: Southern District of New York Case No. 07CV 3371 (RPP)

Dear Judge Patterson:

On May 10, 2007 I advised you that according to Florida counsel for Sun Capital, Inc., a settlement has been reached between the parties. By this time I had hoped to have a written settlement agreement which provides for a discontinuance of this action to follow shortly thereafter.

It appears that settlement negotiations remain on track. I have just spoken with both Florida counsel for Sun Capital, Inc. and Peter Hort, Esq. [who represents ES&G Trading, Inc. - although not yet in this action]. Mr. Hort advised me that he hoped and expects the settlement would be documented soon [the alternative being bankruptcy for ES&G, something which he is trying to avoid].

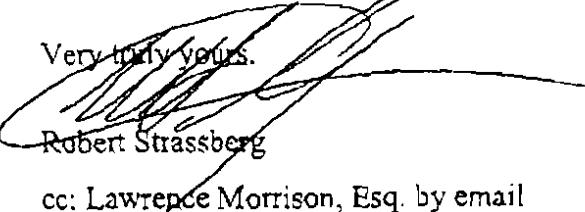
Mr. Hort further advised me that he expects to substitute in on this matter, if necessary, but cannot now do so because of a personal family emergency and requested my indulgence in attempting to adjourn this matter to allow for a resolution.

Currently, a conference is scheduled for tomorrow, May 24, 2007 at 9:30 a.m. I have orally advised Mr. Monteagudo of the impending settlement and Mr. Hort's personal situation and he requested I write this letter, and suggest that we give ourselves several weeks to [hopefully finally] document the settlement.

If an adjourned date for the conference is required, I am available June 5, 6, 7, or 14, 2007. Unfortunately Mr. Hort was not in a position to examine his calendar when we spoke.

Kindly have Mr. Monteagudo contact me regarding anything further that is required.

Very truly yours,

  
Robert Strassberg

cc: Lawrence Morrison, Esq. by email  
Peter Hort, Esq. by email

application granted  
Con adjourned to 6/5/07 at  
9:30 AM  
so ordered  
Robert P. Patterson  
5/25/07

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5/25/07